

REMARKS

Claims 1-20 are pending in the application, and claims 1-7, 10-17 and 20 stand rejected.

Rejection under 35 U.S.C §103

Claims 1-3, 5-6, 10-13, 15-16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication 2003/0060973 to Mathews in view of U.S. Pat. No. 6,574,682 to Chan. In particular, the Examiner finds that, with respect to claim 1, Mathews teaches receiving an item at a mobile device, Chan teaches degrading the received item to reduce the amount of cache space needed and storing the received item in a degraded form, and the skilled person would have found it obvious to combine Chan with Mathews because compressing an item after receiving the item allows for improved storage efficiency and improved processor efficiency. Applicant respectfully disagrees.

Erstwhile, Applicant notes that the Examiner mischaracterizes the teachings of Chan when stating that “Chan Col. 10 lines 10-22 teach receiving an un-graded item and degrading the item and Chan Col. 9 lines 3-5 teach storing the degraded item back in the cache.” The portions cited by the Examiner actually teach the exact opposite: uncompressed data is written to the cache, and then is compressed when written to memory. Thus, the degraded item is not stored to cache, contrary to the Examiner’s assertion.

Applicant further disagrees that the Examiner has made a sufficient *prima facie* showing of the motivation for the skilled person to attempt to combine Chan with Mathews. Mathews is directed to navigation with networked computing devices, whereas Chan is directed to enhancing microprocessor architectures and makes not the slightest mention of mobile devices, networked devices, networks, or any type of communication. There is thus absolutely no reasonable expectation that a skilled person attempting to practice the teachings of Mathews would feel compelled to look to Chan for possible improvements to the device of Mathews. Furthermore, as explained above, Chan does not teach degrading an item and then storing it in cache; thus, even if attempting the combination of Chan with Mathews as alleged by the Examiner, the skilled person would still not arrive at Applicant’s method because Chan does not teach

compressing/degrading the item until *after* it has been retrieved *from* the cache to be stored in memory.

The preceding notwithstanding, Applicant desires to pass this case to allowance and thus, in the interest of cooperation, has amended claims 1 and 11 to incorporate the limitations of claims 2 and 6 and of claim 2, respectively, to make even clearer the differences between the art of record and the present invention. Thus, as presently amended, claims 1 and 11 make clear that the item is received and stored in the cache in an un-graded form and then, if and only if a certain condition is met, the received item is degraded. Thus, the degrading of the item in the instant invention is conditional, where the compression of Chan is a default operation that is applied to *all* data.

In view of all of the above, Applicant respectfully encourages the Examiner to reconsider the art in light of the amended claims and pass the claims to issue.

Claims 2, 6, 10 and 20 have been canceled without prejudice and Applicant expressly reserves the right to present these claims in other, related applications. Claims 3-5 and 7-8 depend from claim 1, and claims 12-19 depend from claim 11. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicant submits that claims 3-5, 7-8 and 12-19 are also allowable.

Applicant acknowledges with gratitude the Examiner's indication of allowability as to claims 8-9 and 18-19 but, as fully explained above, Applicant believes that all claims are allowable.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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(Date of Transmission)

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(Name of Person Transmitting)

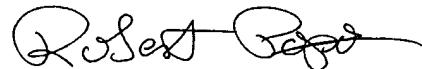


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8/31/06

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Respectfully submitted,



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